

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ROBERT HATCHER,
Plaintiff,

v.

HEWLETT-PACKARD CO.,
Defendant.

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CIVIL ACTION NO.
1:15-CV-0382-WBH

ORDER

After Plaintiff's counsel withdrew, this Court ordered Plaintiff to inform the Court by January 8, 2016, whether he intended to secure new counsel or represent himself. Plaintiff did not comply. Again on January 22, 2016, this Court ordered Plaintiff to notify the Court by February 26, 2016, whether he had obtained new counsel. Again, Plaintiff did not comply.

Pending now before the Court is Defendant's motion for sanctions against Plaintiff. [Doc. 34]. It is undisputed that Defendant properly noticed Plaintiff's deposition for January 12, 2016, informing Plaintiff, among other things, that his deposition would be videotaped as permitted under the Federal Rules of Civil Procedure. When he arrived for his deposition, however, Plaintiff refused to sit for a videotaped deposition. Plaintiff has not responded to Defendant's motion.

In its motion for sanctions, Defendant seeks an order requiring Plaintiff to pay \$3,614.99 in costs and fees that it incurred in scheduling and appearing for Plaintiff's

deposition. Given Plaintiff's pattern of wilful failure to comply with this Court's orders and the Federal Rules, this Court concludes that dismissal is the appropriate sanction.

Federal Rule of Civil Procedure 41(b) authorizes a district court to dismiss a complaint when the Plaintiff has failed to comply with a court order or the federal rules. See also Local Rule 41.3A(2) (authorizing dismissal for Plaintiff's failure to obey a lawful order of the Court). Likewise, Federal Rule 37(b)(2)(A)(v) authorizes dismissal for the failure to comply with a deposition subpoena. For these reasons, Defendant's motion, [Doc. 34], is **GRANTED** and the instant action is hereby **DISMISSED** without prejudice. This dismissal without prejudice does not foreclose Plaintiff from filing his claims in a new action before this Court. If he does so, however, before he will be permitted to proceed, he must first pay Defendant's costs of \$3,614.99 from the aborted deposition.

IT IS SO ORDERED, this 28 day of June, 2016.



WILLIS B. HUNT, JR.
UNITED STATES DISTRICT JUDGE